



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2900 FAX (603) 271-2456



May 19, 2004

CERTIFIED MAIL
7000 1670 0000 0585 8988
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Corning NetOptix, Inc.
69 Island Street
Keene, New Hampshire 03431

Attn: Mr. Dan McKeogh, Facilities/Plating Supervisor

Re: Corning NetOptix, Inc.
Keene, New Hampshire
EPA ID # NHD986466381

Dear Mr. McKeogh:

On February 25, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Corning NetOptix, Inc. ("CNO"). The purpose of the inspection was to determine CNO's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 507.01(a)(3) and Env-Wm 509.03(d) – Storage Requirements

At the time of the inspection, one (1) 55-gallon satellite accumulation container of hazardous waste "Mixed Acids" located in the Plating Room was not closed.

Env-Wm 507.01(a)(3), which is referenced by Env-Wm 509.03(d), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that CNO ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

In a March 2, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, confirmed that the one (1) container of hazardous waste "Mixed Acids" had been closed. No further action is required.

2. Env-Wm 507.03(a)(1)d. – Container Marking

At the time of the inspection, seven (7) 55-gallon containers of hazardous waste located in the Hazardous Waste Storage Area (“HWSA”) were not marked with the EPA or state waste number (See the attached Container Inventory).

Env-Wm 507.03(a)(1)d. requires that all containers used for the storage of hazardous waste be marked with the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requested that CNO properly mark all containers of hazardous waste with the EPA or state waste number at the time they are first used to store waste.

In a March 2, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, confirmed that the seven (7) containers of hazardous waste had been marked with the proper waste codes. No further action is required.

3. Env-Wm 509.02(a)(1) – General Inspection Requirements

A review of CNO’s Hazardous Waste Inspection Checklist revealed: 1) the time of the inspection; 2) a notation of observations; and 3) the date and nature of repairs or remedial actions taken, were not documented. At the time of the inspection, CNO had also not documented the inspections of the HWSA at the facility for a total of thirty-three (33) weeks during the last three (3) years.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.

DES requested that CNO amend the existing Hazardous Waste Inspection Checklist to reflect the time of the inspection, a notation of any observations, and the date and nature of any necessary repairs or remedial actions taken. Also, ensure that weekly inspections of the hazardous waste storage area are routinely recorded in the updated inspection log.

In a March 3, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, provided documentation substantiating that CNO’s Hazardous Waste Inspection Checklist had been revised and that weekly inspections are routinely conducted. No further action is required.

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of CNO's personnel training program revealed the following deficiencies

- (a) The Alternate Emergency Coordinators identified below had not taken part in annual hazardous waste training reviews for the years noted:
 - 1. Mike Ogg - 1999, 2000, 2002, 2003; and
 - 2. Mike Dettleback – 1999, 2000, 2001, 2002, and 2003
- (b) Thirty-five (35) CNO personnel responsible for hazardous waste management had not received hazardous waste training for the years 1999 through 2003.
- (c) CNO's facility training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial hazardous waste training and annual reviews are conducted for personnel handling hazardous waste. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain at the facility, specific documents and records related to personnel training.

DES requested that CNO conduct and document hazardous waste training and annual updates for the Emergency Coordinators and employees responsible for hazardous waste management. DES also requested that CNO maintain, as part of the facility training program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Full Quantity Generator Module. Lastly, DES requested that CNO submit a copy of this personnel training program to DES.

In March 15 & April 6, 2004 e-mail submittals, Mr. Dan McKeogh, Facilities/Plating Supervisor, provided a written personnel training program which included a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position. The submittal also provided a list of employees that received hazardous waste training for the year 2004. No further action is required.

5. Env-Wm 509.02(a)(4) – Preparedness and Prevention

At the time of the inspection, CNO's HWSA failed to have an internal/external communication system capable of providing immediate contact with facility personnel and local authorities (e.g., fire department). In addition, the HWSA failed to have spill control equipment.

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to have an internal communication system capable of providing immediate contact with facility personnel, and a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. In addition, 40 CFR Subpart C requires that all facilities maintain spill control equipment. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requested that CNO maintain at the HWSA, a communication system capable of providing immediate communication with facility personnel and local authorities, and spill control equipment.

In a March 15, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, provided documentation substantiating that an emergency alarm was installed and spill control equipment was placed at the HWSA. No further action is required.

6. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, CNO did not have an emergency posting at the nearest telephone to the HWSA. Although a posting was made available to DES, it was confirmed to be incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the HWSA:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that CNO post the required information at the nearest telephone to the HWSA.

In a March 2, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, provided documentation demonstrating that CNO's emergency posting was amended and posted at the nearest telephone to the HWSA. No further action is required.

7. Env-Wm 509.03(g) – Satellite Storage Container Marking

During the inspection of the facility's Plating Area, one (1) satellite storage container of hazardous waste "Mixed Acids" was not marked with the words "hazardous waste" and words that identify the contents of the container (See the attached Satellite Container Inventory).

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste" and words that identify the contents of the container.

DES requested that CNO properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words "hazardous waste" and words that identify the contents of the container.

In a March 3, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, confirmed that the satellite container of hazardous waste "Mixed Acids" had been marked with the words "hazardous waste" and words that identify the contents of the container.

8. Env-Wm 102.03(c)(1) – Universal Waste Management

At the time of the inspection, one (1) box of twenty-three (23) universal waste lamps was not closed.

Env-Wm 102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that CNO ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In a March 2, 2004 e-mail submittal, Mr. Dan McKeogh, Facilities/Plating Supervisor, provided documentation to substantiate compliance with the Universal Waste closed container requirement. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by CNO to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Mary Jane Meier of DES's Water Division at 271-5553, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over a large, bold, black "COPY" stamp.

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel Esq., Administrator, DES Legal Unit

E-mail: JJD/SD/MM/PM

Enclosure: Inspection Modules